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In re Application of :
SVENSSON *et al* :
U.S. Application No.: 10/535,215 :
PCT No.: PCT/SE2003/001493 :
Int. Filing Date: 25 September 2003 :
Priority Date: 18 November 2002 :
Docket No.: 150-272 :
For: FUNCTIONAL CEILING SYSTEM :

**DECISION ON
PETITION UNDER
37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 11 September 2009 is hereby **GRANTED** as follows:

A petition to revive pursuant to 37 CFR 1.137(b) requires: (1) a proper reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply to the filing of a grantable petition pursuant to this paragraph was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

A declaration in compliance with 37 CFR 1.497(a) and (b) and a \$130.00 surcharge fee was provided. This is an appropriate response to the Form PCT/DO/EO/905 mailed 12 January 2006. The \$1,620 petition fee has been paid. A terminal disclaimer is not required.

Items (1), (2) and (4) of 37 CFR 1.137(b) are satisfied.

With respect to item (3) of 37 CFR 1.137(b), the present petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of this Petition was unintentional." Applicants also included declarations by Mr. Steven S. Payne and Mr. Herman R. Heflin III explaining the circumstances of the delay.

It is noted that the present application has been abandoned for an extended period of time. The USPTO is relying on petitioners' duty of candor and good faith in accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and

circumstances when providing a statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

Based on this reliance, the statement in the petition and the declarations by Mr. Steven S. Payne and Mr. Herman R. Heflin III are accepted as meeting the requirements of 37 CFR 1.137(b)(3).

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 09 August 2005, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 11 September 2009.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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